

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Arlyn Rodriguez	Team: Team # 3	CCRB Case #: 201208138	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Saturday, 06/23/2012 , Sunday, 06/24/2012 12:30 AM	Location of Incident: 81st Precinct stationhouse	Precinct: 81	18 Mo. SOL 12/24/2013	EO SOL 12/24/2013	
Date/Time CV Reported Tue, 06/26/2012 12:20 AM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Tue, 06/26/2012 12:20 AM		
Complainant/Victim	Type	Home Address			
Witness(es)	Home Address				
Subject Officer(s)	Shield	TaxID	Command		
1. POF Emily Harris	20669	941882	081 PCT		
Officer(s)	Allegation			Investigator Recommendation	
A.POF Emily Harris	Abuse: PO Emily Harris refused to provide her shield number to § 87(2)(b)				

Case Summary

On June 26, 2012, § 87(2)(b) filed this complaint via the call processing system with the CCRB (encl. B1 – B2). On June 24, 2012, at approximately 12:30 a.m., in the 81st Precinct stationhouse in Brooklyn, § 87(2)(b) and § 87(2)(b) were arrested for menacing. PO Emily Harris escorted § 87(2)(b) to a holding cell. The following allegations resulted from PO Harris' actions:

- **Allegation A – Abuse of Authority: PO Emily Harris refused to provide her shield number to § 87(2)(b)**

§ 87(2)(g)

On July 1, 2012, this case was assigned to Investigator Desmond Woods. On September 6, 2012, this case was reassigned to Investigator Arlyn Rodriguez, upon Investigator Woods' departure from the agency.

Results of Investigation

Civilian Statement

Complainant/Victim: § 87(2)(b)

- § 87(2)(b) is a § 87(2)(b)

CCRB Testimony

§ 87(2)(b) was interviewed at the CCRB on July 26, 2012 (encl. C2 – C5). Her statement, summarized below, was consistent with her initial complaint and a telephone statement she provided on July 11, 2012 (encl. C1).

On what the investigation determined was June 24, 2012, at approximately 12:30 a.m., § 87(2)(b) observed a crowd gather in front of the 81st Precinct stationhouse from a block away. When § 87(2)(b) approached the scene, she observed her cousin, § 87(2)(b) and friend, § 87(2)(b) in handcuffs, standing in close proximity to PO Emily Harris, § 87(2)(b) who provided his name verbally to § 87(2)(b) and an unidentified officer (PO1). PO Harris stood beside § 87(2)(b) and was holding one of § 87(2)(b)'s arms, and PO § 87(2)(b) stood beside § 87(2)(b). § 87(2)(b) asked PO Harris why § 87(2)(b) was placed in handcuffs. PO Harris, however, gave § 87(2)(b) no response. PO Harris approached § 87(2)(b) and took § 87(2)(b) purse from her hand. Immediately after, PO § 87(2)(b) “abruptly and forcefully” took § 87(2)(b) left hand, turned her around, and placed her in handcuffs. During her arrest, § 87(2)(b) asked PO § 87(2)(b) why she was being arrested and stated that there was no probable cause for her arrest. In response, PO Harris stated that they would figure out the reason for her arrest at a later time.

Shortly thereafter, § 87(2)(b) and § 87(2)(b) were walked into the stationhouse. In the stationhouse, § 87(2)(b) asked PO Harris several times to explain the reason for her arrest. In response, PO Harris told § 87(2)(b) to “shut up” and “be quiet”. § 87(2)(b) and § 87(2)(b) were placed inside of a holding cell. While in the cell, § 87(2)(b) told PO Harris, “This is why the 81st Precinct is under investigation now: because of corrupt officers like you.” She asked PO Harris “What’s your shield number?” three times. PO Harris replied, “You don’t need my shield number” and “You don’t need that information—I’m

corrupt.” Furthermore, § 87(2)(b) told PO Harris that PO Harris did not read her Miranda rights. In response, PO Harris stated, “What law school did you go to? I don’t have to read you your Mirandas.” § 87(2)(b) and § 87(2)(b) were present during the interaction that occurred between § 87(2)(b) and PO Harris inside the holding cell.

At one point during the incident, § 87(2)(b) obtained PO Harris’ name by overhearing an unidentified male in a holding cell call her name and observing PO Harris respond to his call. Sometime later, PO Sharif Portee of the 81st Precinct, who provided his name verbally to § 87(2)(b), was assigned as § 87(2)(b) new “corrections officer”. PO Portee informed § 87(2)(b) that she would be released because she had nothing to do with the incident leading up to the arrests. Moreover, he told § 87(2)(b) that she and her friends were under arrest because, on the date of the incident, two individuals § 87(2)(b) and an unidentified female) pointed out § 87(2)(b) and § 87(2)(b) as their assaulters to PO Harris, PO § 87(2)(b) and PO1. § 87(2)(b) later received information that it was in fact § 87(2)(b) and the unidentified female who assaulted § 87(2)(b) and § 87(2)(b) in the summer of 2011. Furthermore, § 87(2)(b) learned that she herself was not one of the individuals who were pointed out for the assault.

Consequently, at approximately 12:30 p.m., § 87(2)(b) and § 87(2)(b) were each released with Desk Appearance Tickets. Before leaving the stationhouse, § 87(2)(b) asked PO Martinez, who was sitting behind the front desk of the stationhouse, for the name of the female officer with dreadlocks. PO Martinez informed her that the officer’s name is PO Harris. Later that day, PO Portee informed § 87(2)(b) mother that, on the night of the arrests, § 87(2)(b) and her friends were pacing back and forth in front of precinct stationhouse, being “rowdy” and sharing jokes. Consequently, unidentified officers had to order them to be quiet. § 87(2)(b) has filed a police report against § 87(2)(b).

At a later time, § 87(2)(b) informed § 87(2)(b) that she overheard one of the officers on the scene say that he/she felt sorry for § 87(2)(b) as she was not involved in the assault. § 87(2)(b) believes she was wrongfully arrested for menacing. She felt embarrassed during the incident and believes that the arrest has jeopardized her future career goals.

Attempts to Contact Civilians

The undersigned investigator attempted to call the following individuals § 87(2)(b) indicated as witnesses:

- § 87(2)(b) (**Alias:** § 87(2)(b))
The undersigned investigator called § 87(2)(b) on October 18, 2012. During the conversation, § 87(2)(b) stated that, although she was in the same holding cell as § 87(2)(b) during the incident, she did not witness § 87(2)(b) request PO Harris’ shield number. Furthermore, she did not witness PO Harris refuse to provide her shield number to § 87(2)(b). During the phone conversation, § 87(2)(b) stated that she did not wish to participate in the investigation.
- § 87(2)(b)
From October 18, 2012 to January 4, 2013, the undersigned investigator left a total of five voice messages on § 87(2)(b)’s phone. Furthermore, between the aforementioned dates, two letters were mailed to § 87(2)(b)’s residence. To date, § 87(2)(b) has not contacted the CCRB.

NYPD Statements:

Subject Officer: PO EMILY HARRIS

- *PO Harris is a § 87(2)(b)*
- *PO Harris worked in uniform from 8:00 p.m. on June 23, 2012 to 4:35 a.m. on June 24, 2012. She was assigned to the 81st Precinct's Conditions Team alongside PO Christopher Kelly. She was assigned to unmarked vehicle 8131.*

Memo Book

PO Harris has no memo book entries pertaining to this incident (encl. D1 – D2).

CCRB Testimony

PO Emily Harris was interviewed on January 18, 2013 at the CCRB (encl. D3 – D4). Her statement is summarized below.

On what the investigation determined was June 24, 2012, at approximately 12:30 a.m., an unidentified individual arrived at the waiting area of the 81st Precinct stationhouse and informed the officer who was assigned to the desk, PO1, that she had just been assaulted by individuals who were located outside the stationhouse. The individual pointed out § 87(2)(b) and her friends as her assaulters. Thus, PO1 brought § 87(2)(b) and her friends inside the stationhouse, where they were placed under arrest. As PO Harris was the only female officer present at the time, she searched § 87(2)(b) and her friends. PO Harris then lodged § 87(2)(b) into a holding cell. PO Harris did not recall having any interaction with § 87(2)(b) in the holding cell and, thus, did not recall § 87(2)(b) requesting her shield number. Additionally, PO Harris stated that if § 87(2)(b) would have asked her for her shield number, she would have provided it by pointing to her shield. PO Harris stated that § 87(2)(b) and her friends were charged with menacing and released with Desk Appearance Tickets.

NYPD Documents

Arrest Report

The arrest report for the arrest associated with this incident (encl. E4) , Arrest § 87(2)(b) states that on June 24, 2012, at approximately 12 a.m., on § 87(2)(b) in Brooklyn, § 87(2)(b) § 87(2)(b) and § 87(2)(b) pointed at complainant § 87(2)(b) and said, "There she is—get her!" § 87(2)(b) was charged with menacing in the 3rd degree.

§ 87(2)(b)

§ 87(2)(b)

Status of Civil Proceedings

- § 87(2)(b) filed a Notice of Claim with the City of New York on § 87(2)(b) 2, claiming that she was falsely arrested and seeking \$3 million in compensatory damages and \$3 million in exemplary damages as redress (encl. F1 – F3). A 50-h hearing was scheduled for § 87(2)(b) . However, it is unknown if the hearing was conducted, as the NYC Office of the Comptroller employee who provided this date for the hearing, David Wadborough, did not have access to that information .

§ 87(2)(b)

Civilian CCRB History

- This is the first CCRB complaint filed by § 87(2)(b) (encl. A2).

Subject Officer CCRB History

- PO Emily Harris has been a member of the service for six years and there are no substantiated CCRB allegations against her (encl. A1).

Conclusion

Identification of Subject Officers

PO Harris acknowledged interacting with § 87(2)(b)

Investigative Findings and Recommendations

Allegation A – Abuse of Authority: PO Emily Harris refused to provide her shield number to § 87(2)(b)

On June 24, 2013, at approximately 12:30 a.m., § 87(2)(b) and § 87(2)(b) were arrested in front of the 81st Precinct stationhouse and escorted to the holding cells inside the stationhouse. While inside the holding cell, § 87(2)(b) alleged that, upon request, PO Harris refused to provide her shield number. PO Harris could not recall whether or not § 87(2)(b) requested this information from her.

During her phone statement, § 87(2)(b) confirmed that she indeed was inside the holding cell with § 87(2)(b) during the incident but stated that she did not witness § 87(2)(b) request PO Harris' shield number. Furthermore, § 87(2)(b) did not witness PO Harris refuse to provide her shield number.

§ 87(2)(b), § 87(2)(g)

Team: _____

Investigator: _____
Signature Print Date

Supervisor: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date